UNITED STATES PATENT AND TRADEMARK OFFICE

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10/829,091	04/20/2004	John C. Eidson	10040199-1	6015

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EXAMINER
JACOBS, LASHONDA T

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/829,091	Applicant(s) EIDSON ET AL.
	Examiner LASHONDA T. JACOBS	Art Unit 2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _20 April 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8,10-16 and 18-22_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8,10-16 and 18-22_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _10/3/05_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicants' amendment filed on January 3, 2008.

Claims 9, 17 and 23 have been cancelled. Claims 1, 10 and 18 have been amended. Claims **1-8,**

10-16 and **18-22** are presented for examination.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims **1-8**, **10-16** and **18-22** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Burch et al (hereinafter, "Burch", U.S. Pub. No. 2004/0203437) in view of Vandermeijden

(U.S. Pat. No. 6,804,524).

As per claim **1**, Burch discloses a measurement/control system, comprising:

- configuration data source that provides a set of configuration data that specifies a

  measurement/control function (paragraphs 0021 and 0022; Burch discloses measuring

  attributes of the devices such s date, time, light levels, etc.); and

- a set of distributed devices each having means for obtaining the configuration data from

  the configuration data source and means for diffusing the configuration data among the

  distributed devices (paragraphs 0020, 0027 and 0036; Burch discloses mobile devices

having the capability for making measurements and receiving data information from the

transceiver station).

However, Burch does not explicitly disclose:

- wherein the means for diffusing includes means for determining a relative staleness of a
  set of configuration data stored in the distributed devices.

Vandermeijden discloses a system and method for the acquisition of automobile traffic data

through wireless networks comprising:

- wherein the means for diffusing includes means for determining a relative staleness of a
  set of configuration data stored in the distributed devices (col. 3, lines 53-67, col. 4,
  lines 1-19, col. 9, lines 35-40 and col. 10, lines 9-19; Vandermeijden discloses receiving
  data from mobile devices at the traffic server and determining if any stale data is stored
  in the database).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Burch by periodically checking the database for stale data and

removing the stale data for the purpose of providing raw data between the mobile devices and

traffic server in order to analyze traffic data to determine traffic conditions in a timely and

efficient manner.

As per claim **2**, Burch discloses:

- wherein the configuration data source includes a source kiosk that obtains the
  configuration data from an application server (paragraph 0035; Burch discloses receiving
  data from the cellular base transceiver station from an application specific functionality
  block).

As per claim **3**, Burch discloses:

- wherein the configuration data source is co-located with a service provider accessible by one or more of the distributed devices (paragraphs 0026 and 0027).

As per claim **4**, Burch discloses:

- wherein the means for diffusing includes means for forming a communication channel with a kiosk (paragraphs 0035).

As per claim **5**, Burch discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity to the kiosk (paragraph 0049).

As per claim **6**, Burch discloses:

- wherein the means for diffusing includes means for forming a communication channel with another of the distributed devices (paragraph 0049).

As per claim **7**, Burch discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity (paragraph 0049).

As per claim **8**, Burch discloses:

- wherein the means for diffusing includes means for determining a relative staleness of a set of configuration data stored in a kiosk and a set of configuration data stored in the distributed devices (paragraph 0051).

As per claim **10**, Burch a method for configuring a set of distributed devices, comprising the steps of:

- providing to one or more of the distributed devices a set of configuration data that
  specifies a measurement/control function (paragraphs 0021 and 0022; Burch discloses
  measuring attributes of the devices such s date, time, light levels, etc.) ;

- diffusing the configuration data among the distributed devices (paragraphs 0020, 0027
  and 0036; Burch discloses mobile devices having the capability for making
  measurements and receiving data information from the transceiver station).

However, Burch does not explicitly disclose:

- <u>wherein the step of diffusing includes the step of determining a relative staleness of
  different sets of configuration data.</u>

Vandermeijden discloses a system and method for the acquisition of automobile traffic data
through wireless networks comprising:

- <u>wherein the step of diffusing includes the step of determining a relative staleness of
  different sets of configuration data</u> (col. 3, lines 53-67, col. 4, lines 1-19, col. 9, lines 35-
  40 and col. 10, lines 9-19; Vandermeijden discloses receiving data from mobile devices
  at the traffic server and determining if any stale data is stored in the database).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the
invention was made to modify Burch by periodically checking the database for stale data and
removing the stale data for the purpose of providing raw data between the mobile devices and
traffic server in order to analyze traffic data to determine traffic conditions in a timely and
efficient manner.

As per claim **11**, Burch discloses:

- wherein the step of providing includes the step of obtaining the configuration data from an application server (paragraph 0035; Burch discloses receiving data from the cellular base transceiver station from an application specific functionality block) .

As per claim **12**, Burch discloses:

- wherein the step of providing includes the step of co-locating the configuration data with a service provider accessible by one or more of the distributed devices (paragraphs 0026 and 0027) .

As per claim **13**, Burch discloses:

- wherein the step of diffusing includes the step of forming a communication channel between a pair of the distributed devices (paragraph 0049) .

As per claim **14**, Burch discloses:

- wherein the step of forming a communication channel includes the step of forming a communication channel in response to a physical proximity of the pair (paragraph 0049).

As per claim **15**, Burch discloses:

- wherein the step of diffusing includes the step of forming a communication channel with a kiosk (paragraph 0049).

As per claim **16**, Burch discloses:

- wherein the step of forming a communication channel includes the step of forming a communication channel with the kiosk in response to a physical proximity of the kiosk (paragraph 0049).

As per claim **18**, Burch discloses a distributed device, comprising:

- means for obtaining a set of configuration data that specifies a measurement/control

  function from a configuration data source (paragraphs 0021 and 0022; Burch discloses

  measuring attributes of the devices such s date, time, light levels, etc.); and

- means for diffusing the configuration data to a set of other distributed devices(paragraphs

  0020, 0027 and 0036; Burch discloses mobile devices having the capability for making

  measurements and receiving data information from the transceiver station).

However, Burch does not explicitly disclose:

- <u>wherein the step of diffusing includes the step of determining a staleness of the</u>

  <u>configuration data.</u>

Vandermeijden discloses a system and method for the acquisition of automobile traffic data

through wireless networks comprising:

- <u>wherein the step of diffusing includes the step of determining a staleness of the</u>

  <u>configuration data</u> (col. 3, lines 53-67, col. 4, lines 1-19, col. 9, lines 35-40 and col. 10,

  lines 9-19; Vandermeijden discloses receiving data from mobile devices at the traffic

  server and determining if any stale data is stored in the database).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Burch by periodically checking the database for stale data and

removing the stale data for the purpose of providing raw data between the mobile devices and

traffic server in order to analyze traffic data to determine traffic conditions in a timely and

efficient manner.

As per claim **19**, Burch discloses:

- wherein the means for diffusing includes means for forming a communication channel to the other distributed devices (paragraph 0049).

As per claim **20**, Burch discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity (paragraph 0049).

As per claim **21**, Burch discloses:

- wherein the means for diffusing includes means for forming a communication channel to a kiosk (paragraph 0049).

As per claim **22**, Burch discloses:

- wherein the means for forming a communication channel includes means for forming a communication channel in response to a physical proximity of the kiosk (paragraph 0049).

Response to Arguments

3.   Applicant's arguments with respect to claims **1-8**, **10-16** and **18-22** have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LASHONDA T. JACOBS whose telephone number is (571)272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

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   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                            /LaShonda T Jacobs/
                                            Examiner, Art Unit 2157

ltj
March 24, 2008